



RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

4/15/81

In the Matter of : Docket Nos.: 50-250-SP
50-251-SP

FLORIDA POWER AND LIGHT COMPANY : (Proposed Amendments to Facility
Operating License to Permit
(Turkey Point Nuclear Generating : Steam Generator Repairs)
Units Nos.: 3 and 4)

INTERVENOR MARK P. ONCAVAGE'S MOTION TO
CONTINUE OR DENY SUMMARY DISPOSITION

COMES NOW, the Intervenor, by and through his undersigned attorney and moves this Board for an Order Refusing the Application for Summary Disposition or for a Continuance of the Time to Respond to the Motion for Summary Disposition and as grounds therefore would state:

1. That the Intervenor's attorney, Neil Chonin has attached an Affidavit which supports the Intervenor's Motion.
2. That the Parties stipulated to a schedule which in and of itself should preclude this Board from ruling on any Summary Disposition Motion and requiring the Staff and the Licensee to go to trial on the merits as to all Contentions.
3. That the Staff and Licensee agreed to a discovery cutoff date of April 15, and the Staff and Licensee has filed 8 Motions for Summary Disposition knowing full well that discovery would follow from said Motions and that the Intervenor would be entitled to documents referred to in the Affidavits attached to said Motions.
4. That based on the Staff and Licensee's tactic of filing five Motions for Summary Disposition, it is apparent that no litigant could respond to these Motions until such time as discovery was had concerning the supporting documents relative to said Motion. The Intervenor would be entitled to have it's own experts examine the supporting documents so that opinions could be formed contrary to those opinions of the experts utilized by the Staff and the Licensee.
5. That to require the Intervenor to Respond to 5 Motions for Summary Disposition and to argue the Motions for Summary Disposition on April 27th and 28th when the Intervenor's Requests for Production are outstanding would constitute a denial of due process of law to the Intervenor.

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6. That the Intervenor's time for responding to Contentions 2 and 6 fall beyond the date that the Intervenor is required to argue the Motion for Summary Disposition in that the Board has scheduled hearings on the Motions for April 27 and 28 when the discovery responses will not be available.

7. That if the Board does intend to Rule on Motions for Summary Disposition then certainly the Intervenor should have a right to complete discovery.

WHEREFORE, the Intervenor moves this Board for an order refusing the Motions for Summary Dispositions or for an Order requiring the Intervenor to respond to all of the Motions for Summary Disposition after Requests for Production have been complied with.

DATED this 15th day of April, 1981.

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BY:


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